

EXPUNGEMENT PETITION

LOUDOUN COUNTY CIRCUIT COURT

An Expungement is an action used to delete all police and court records pertaining to a criminal case when any of the following has occurred: acquittal, nolle prosequi, dismissal, absolute pardon, or an individual's name used in error. The Expungement process is not available when the person has been convicted, or the court has found evidence sufficient to convict the person. When a record is expunged, the record is **not** destroyed but removed from public access and sealed. (Note: Once the record is expunged it can only be accessed by Court Order.)

REQUIRED DOCUMENTS:

- An original Petition for Expungement CC-1473
- A certified copy of the charge(s) with the disposition of the charge(s) to be expunged
- Order of Expungement CC-1474
- Cover sheet for filing civil actions CC-1416
- One additional copy of the completed Petition for Expungement and one additional copy of the charge(s) with disposition of the charge(s) to be expunged

The copies will be used for the following:

A copy of the petition shall be served on the Commonwealth Attorney. The Commonwealth may file an objection or answer to the petition within twenty-one (21) days after it is served.

FILING FEE: \$96.00 (Includes service fee)

Fees must be paid by cash, certified check, money order or personal check (*no starter checks will be accepted*) made payable to Clerk of Circuit Court.

FILINGS MAY BE SUBMITTED IN PERSON OR BY MAIL:

In person bring your completed paperwork and filing fee to the 2nd floor New Case Filings window of the Circuit Court during normal business hours. Or send your completed paperwork, copies and filing fee to:

Send via U.S. Postal Service:
Loudoun Circuit Court
Attn: New Case Filing
P.O. Box 550
Leesburg, VA 20178

Send via FedEx, UPS, etc.
Loudoun Circuit Court
Attn: New Case Filing
18 East Market Street
Leesburg, VA 20176

The case will be assigned a civil action case number. This is a number by which the court references your case and must appear on any future documents regarding your petition.

SETTING A HEARING DATE:

After the Criminal History check has been filed with the court, a hearing may be set. It is the responsibility of the petitioner to confirm the fingerprint card and criminal history has been received by the court. Hearing dates for expungement cases are set on the Circuit Court motions day docket on the first Friday of every month at 2:00 p.m.

An original Praecept must be filed with the Circuit Court file room no less than seven (7) days prior to the hearing date. Praecept forms are available at the Circuit Court Clerk's office and on the Clerk's web site at www.loudoun.gov/clerk

To file a praecipe the petitioner may appear in person at the Circuit Court file room or mail the original praecipe to Loudoun Circuit Court, Attn: File Room, P.O. Box 550, Leesburg, Virginia 20178.

A copy of the praecipe must be mailed or hand delivered to the Commonwealth Attorney's Office, 20 East Market Street, Leesburg, Virginia 20176.

CC-1473 – PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT

ACQUITTAL/DISMISSAL Office of the Executive Secretary • Supreme Court of Virginia Rev 7/07

INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT

FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- ⌚ Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
 - 1. The person is acquitted, or
 - 2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
 - 3. The person is granted an absolute pardon for the commission of a crime for which he has been unjustly convicted.
- ⌚ Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
 - 1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 - 2. A statement of the specific criminal charge to be expunged;
 - 3. The date of final disposition of the charge as set forth in the petition;
 - 4. The petitioner's date of birth; and
 - 5. The full name used by the petitioner at the time of arrest.
- ⌚ Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition within twenty-one days after it is served on him.
- ⌚ Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner.
- ⌚ Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.
- ⌚ Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

When a person has been granted an absolute pardon for the commission of a crime that the person did not commit, the person may file circuit court form CC-1472, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON, in the circuit court of the county or city in which the conviction occurred.

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)*

.....**LOUDOUN**..... Circuit Courtv./In re:..**EXPUNGEMENT**.....

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ attorney for plaintiff hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

- | | | |
|--|--|--|
| <input type="checkbox"/> Accounting | <input type="checkbox"/> Construe Will | <input type="checkbox"/> Landlord/Tenant |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Contract Action | <input type="checkbox"/> Mechanics Lien |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Contract Specific | <input type="checkbox"/> Medical Malpractice |
| <input type="checkbox"/> Adoption - Foreign | <input type="checkbox"/> Performance | <input type="checkbox"/> Motor Vehicle Tort |
| <input type="checkbox"/> Adult Protection | <input type="checkbox"/> Correct/Erroneous State/Local | <input type="checkbox"/> Name Change |
| <input type="checkbox"/> Aid and Guidance | <input type="checkbox"/> Taxes | <input type="checkbox"/> Order to Sever |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Counterclaim | <input type="checkbox"/> Partition |
| <input type="checkbox"/> Annulment | <input type="checkbox"/> Cross Claim | <input type="checkbox"/> Petition |
| <input type="checkbox"/> Appeal Decision of ABC Board | <input type="checkbox"/> Custody/Visitation/Support | <input type="checkbox"/> Product Liability |
| <input type="checkbox"/> Appeal Decision of Board of Zoning | <input type="checkbox"/> /Equitable/Distribution | <input type="checkbox"/> Quiet Title |
| <input type="checkbox"/> Appeal Decision of Comp Board | <input type="checkbox"/> Declaratory Judgment | <input type="checkbox"/> Referendum Elections |
| <input type="checkbox"/> Appeal Decision of Employment | <input type="checkbox"/> Declare Death | <input type="checkbox"/> Reformation of Trust |
| <input type="checkbox"/> Commission | <input type="checkbox"/> Delinquent Taxes | <input type="checkbox"/> Reinstatement of |
| <input type="checkbox"/> Appeal Decision of Local | <input type="checkbox"/> Detinue | <input type="checkbox"/> Driving Privileges |
| <input type="checkbox"/> Government | <input type="checkbox"/> Divorce | <input type="checkbox"/> Reinstatement (General) |
| <input type="checkbox"/> Appeal Decision of Marine Resources | <input type="checkbox"/> Ejectment | <input type="checkbox"/> Removal |
| <input type="checkbox"/> Commission | <input type="checkbox"/> Encumber/Sell Real Estate | <input type="checkbox"/> Separate Maintenance |
| <input type="checkbox"/> Appeal Decision of Voter | <input type="checkbox"/> Enforce Vendor's Lien | <input type="checkbox"/> Standby Guardian/ |
| <input type="checkbox"/> Registration | <input type="checkbox"/> Escheat | <input type="checkbox"/> Conservator |
| <input type="checkbox"/> Appointment of Church Trustee, | <input type="checkbox"/> Establish Boundaries | <input type="checkbox"/> Termination of Mineral |
| <input type="checkbox"/> Substitute Fiduciaries | <input checked="" type="checkbox"/> Expunge | <input type="checkbox"/> Rights |
| <input type="checkbox"/> Approval of Right to be Eligible to | <input type="checkbox"/> Forfeiture of U.S. Currency | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Vote | <input type="checkbox"/> Freedom of Information | <input type="checkbox"/> Vehicle Confiscation |
| <input type="checkbox"/> Asbestos Litigation | <input type="checkbox"/> Garnishment | <input type="checkbox"/> Will Contested |
| <input type="checkbox"/> Attachment | <input type="checkbox"/> General Tort Liability (other | <input type="checkbox"/> Writ of Certiorari |
| <input type="checkbox"/> Bond Forfeiture Appeal | <input type="checkbox"/> than motor vehicle) | <input type="checkbox"/> Writ of Habeas Corpus |
| <input type="checkbox"/> Child Abuse and Neglect - Unfounded | <input type="checkbox"/> Grievance Procedures | <input type="checkbox"/> Writ of Mandamus |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Guardian/Conservator | <input type="checkbox"/> Writ of Prohibition |
| <input type="checkbox"/> Civil Contempt | <input type="checkbox"/> Appointment | <input type="checkbox"/> Writ of Quo Warranto |
| <input type="checkbox"/> Claim Impleading Third Party | <input type="checkbox"/> Impress/Declare a Trust | <input type="checkbox"/> Wrongful Death |
| <input type="checkbox"/> Defendant | <input type="checkbox"/> Injunction | <input type="checkbox"/> Other |
| <input type="checkbox"/> Complaint - (Miscellaneous) | <input type="checkbox"/> Interdiction | |
| <input type="checkbox"/> Compromise Settlement | <input type="checkbox"/> Interrogatory | |
| <input type="checkbox"/> Condemnation | <input type="checkbox"/> Intentional Tort | |
| <input type="checkbox"/> Confessed Judgment | <input type="checkbox"/> Judgment Lien-Bill to Enforce | |
| <input type="checkbox"/> Conservator of Peace | <input type="checkbox"/> Judicial Review | |

☐ Damages in the amount of \$..... are claimed.

DATE

SIGNATURE OF ☐ PLAINTIFF ☐ DEFENDANT ☐ ATTORNEY FOR ☐ PLAINTIFF ☐ DEFENDANT

PRINT NAME

ADDRESS /TELEPHONE NUMBER OF SIGNATOR

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ACQUITTAL/DISMISSAL**

Commonwealth of Virginia

Case No.

..... Circuit Court
CITY OR COUNTY

.....
STREET ADDRESS OF COURT

..... v. Commonwealth of Virginia
NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime *or offense* AND (CHECK ONE)

☐ has been acquitted of the charge.

☐ a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that:

Petitioner's date of birth is:

Petitioner's full name at the time of arrest:

Specific charge(s) to be expunged:

☐ A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s)

Date of arrest: Name of arresting agency:

☐ A copy of the warrant or indictment ☐ date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available):
.....

Date of final disposition of charge(s): Court disposing of charge(s):

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, *including electronic records*, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection **K** of § 19.2-392.2.

.....
DATE

.....
SIGNATURE OF ☐ PETITIONER ☐ ATTORNEY FOR PETITIONER

.....
PRINT NAME

.....
ADDRESS/TELEPHONE NUMBER OF ☐ PETITIONER ☐ ATTORNEY FOR PETITIONER

☐ I certify that I provided the petitioner a certified copy of this petition. Hearing date and time:

.....
DATE

.....
CLERK

Checklist for petitioner:

☐ File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – *ACQUITTAL/DISMISSAL* in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.

☐ Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law enforcement agency.

☐ Have a copy of this petition served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – *ACQUITTAL/DISMISSAL* is filed.

EXPUNGEMENT ORDER

Commonwealth of Virginia

Case No.

..... Circuit Court

.....
CITY OR COUNTY

.....
NAME OF [] PETITIONER [] SUBJECT OF WRIT OF ACTUAL INNOCENCE

[] The petitioner is seeking relief pursuant to subsection A of Va. Code § 19.2-392.2 because the petitioner was charged with the commission of the following crime(s) *of offense(s)*

.....
[] has been acquitted of the charge(s).

[] a nolle prosequi of the charge(s) has been taken of the charge(s) have been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Va. Code § 19.2-151.

After receiving the criminal history record information form the Central Criminal Records Exchange (CCRE) and conducting a hearing on the petition,

[] the court FINDS that

[] the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances that constitute a manifest injustice to the petitioner

[] the petitioner has no prior criminal record, the arrest was for a misdemeanor and the Commonwealth has not shown good cause why the police and court records relating to the charge should not be expunged

[] *The petitioner is seeking relief pursuant to subsection I of Va. Code § 19.2-392.2 because the petitioner has been granted an absolute pardon for a crime that he did not commit and the court FINDS that such relief is proper*

[] *The court has received the attached copy of a writ of actual innocence pursuant to § 19.2-327.5 or § 19.2-327.13 vacating a conviction*

and therefore the court ORDERS that:

- the police and court records, *including electronic records*, relating to such charge(s) be expunged pursuant to [] subsection F (*acquittal/dismissal*) [] *subsection I (absolute pardon)* [] *subsection J (writ of actual innocence)* of Va. Code § 19.2-392.2 AND
- the clerk of this court shall send a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT *or writ of actual innocence*, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.

[] the court FINDS that the statutory requirements for expungement have not been satisfied and therefore, the court ORDERS that the petition be denied.

.....
DATE

.....
JUDGE

I certify that I forwarded a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or a copy of the writ of actual innocence, to the Virginia Department of State Police on.....

DATE

.....
CLERK